

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

MAR 27 2019

David J. Bradley, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Information Associated with Particular Cellular Towers

Case No.

H19-0516M

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment "A" and the Affidavit In Support of the Search Warrant)

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B" and the Affidavit In Support of the Search Warrant)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21 U.S.C. 841

Manufacture and Distribution of Controlled Substances

The application is based on these facts:
(See the Affidavit In Support of Search Warrant)

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Sophia Curtis, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: March 27, 2019

Judge's signature

City and state: Houston, Texas

Frances H. Stacy, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
PARTICULAR CELLULAR TOWERS

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Sophia Curtis**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for records and information associated with certain cellular towers ("cell towers") that is in the possession, custody, and/or control of AT&T Mobility (Cingular), a cellular service provider headquartered at 11760 US Highway 1, North Palm Beach, FL 33408; Sprint/Nextel Communications, a cellular service provider headquartered at 6480 Sprint Parkway, MS: KSOPHM0216, Overland Park, KS 66251; T-Mobile, USA, a cellular service provider headquartered at 4 Sylvan Way, Parsippany, NJ 07054 and Cellco Partnership dba Verizon Wireless, a cellular service provider headquartered at 180 Washington Valley Rd., Bedminster, NJ 07921. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require AT&T Mobility (Cingular), Sprint/Nextel Communications, T-Mobile, USA and Cellco Partnership dba Verizon Wireless to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

2. I am a U.S. Postal Inspector with the United States Postal Inspection Service (USPIS), and have been since February of 2014. I am assigned to the Houston Division Prohibited Mail Narcotics team, which investigates the mailing of illegal narcotics, dangerous drugs, and their proceeds. In my previous position as an intelligence analyst with the Houston Police Department, I was assigned to the High Intensity Drug Trafficking Area (HIDTA) initiative. I have participated in drug trafficking investigations and controlled substance investigations involving the transportation of controlled substances or proceeds/payments through parcel delivery services, to include the United States Mails, as well as private delivery couriers such as United Parcel Service (UPS) and Federal Express (FedEx). During this time, I helped to intercept parcels which were found to have contained controlled substances or the proceeds of controlled substance sales. During my career as a federal law enforcement officer, I have participated in financial crimes, robberies, homicides and drug trafficking investigations. I am considered a subject matter expert in violent crimes investigations and cell phone analysis.

3. I have participated in and conducted investigations involving the distribution of controlled substances and/or the proceeds from the sale of controlled substances through the United States Mail, in violation of Title 21, United States Code, Sections 841(a)(1).

4. Based on my training and experience, the U.S. mail is being used to send controlled substances and proceeds from controlled substances. Your affiant knows based on her experience that domestic and foreign parcels have been found to contain illicit controlled substances. Your affiant further knows that Xanax (alprazolam) is a schedule IV controlled substance. According to the 2011 Treatment Episode Data Set Report, 60,200 people obtaining drug abuse treatment were addicted to benzodiazepines, the category of drugs for alprazolam.

Your affiant knows based on my training and experience that controlled substances are commonly being purchased on what is known as the “dark net” or “dark web.”

5. Numerous “dark web”- based marketplaces have spawned in recent years. These transactions, accomplished virtually anonymously in web-based marketplaces and protected by various levels of encryption, allow buyers and sellers to remain almost completely anonymous to one another. Moreover, payments for these transactions are almost always accomplished through various types of digital currency, such as Bitcoin.

6. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

7. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Section 841(a)(1) have been committed, are being committed, and will be committed by Trung Nguyen and other unknown suspects. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband, or fruits of these crimes as further described in Attachment B.

PROBABLE CAUSE

8. In January 2019, I began investigating a group of unknown males shipping parcels suspected to contain Xanax from the Beechnut and Alief Post Office in Houston, TX based off of a seizure conducted on USPS Priority Mail Express envelope label EE415980438US, mailed on December 20, 2018, from the Beechnut Post Office in Houston, TX. Inspectors obtained a federal search warrant for USPS Priority Mail Express envelope label EE415980438US, which contained approximately 445 grams of white pills believed to be

Xanax.

9. During the course of this investigation, I obtained approximately 200 USPS Priority Mail Express mail label copies for Beechnut Post Office from November 2018 through January 2019, all with similar handwriting, fictitious sender addresses, and previously used destinations.

10. I obtained images and surveillance video for various dates in December 2018 from the Beechnut Post Office, noting what appeared to be unknown males that shipped USPS Priority Mail Express envelopes from Beechnut Post Office. An Asian male appears on surveillance video on various dates. I obtained copies of sales receipts ranging from December 11, 2018 to January 30, 2019, and noted all were cash payments. I also noted all receipts with multiple USPS Express envelopes were on the same transaction. Based on my training and experience, I know that cash transactions are undetectable and preferred by criminals.

IDENTIFICATION OF POTENTIAL SUSPECT

11. During the course of this investigation, I was contacted by Pittsburgh, OH Inspectors regarding a de-confliction with address 3710 Erskine St #913, Lubbock, TX. Review of USPS Priority Mail Express label copies reveal the same Lubbock, TX address received a parcel on or about January 8, 2019 believed to contain narcotics. USPS business records revealed an individual named Trung Nguyen received a suspicious parcel at 12507 Bear Valley Dr, Houston, TX. Inspectors provided two additional Houston, TX addresses that could be related to the ongoing investigation. I obtained a Texas driver's license image of Trung Nguyen (hereinafter referred as "NGUYEN"), date of birth December 4, 1989, at 12507 Bear Valley Dr, Houston, TX, and believe he is one of the Asian males pictured on surveillance video at the Beechnut Post Office mailing suspected Xanax using USPS Priority Mail Express envelopes. Review of law

enforcement databases revealed that NGUYEN has a 2016 black Honda Accord, bearing Texas license plate LPF-5429, registered to him at 12507 Bear Valley Dr., Houston, TX 77072.

CONTROLLED DELIVERY

12. On or about January 28, 2019, I was contacted by a USPS contractor in Los Angeles, CA who advised he had a de-confliction with address 3710 Erskine St #913, Lubbock, TX, while profiling suspicious parcels. The contractor further advised USPS Priority Mail Express label number EL110815396US is addressed to Lu Jackson, 3710 Erskine St #913, Lubbock, TX, and the parcel emitted an odor consistent with marijuana. I noted this same address has received several USPS Priority Express envelopes from Beechnut Post Office.

12. On or about January 30, 2019, Inspectors conducted a controlled delivery of USPS Express parcel EL110815396US and Lu Jackson (hereinafter referred to as "Jackson") was detained. Jackson was read and acknowledged his Miranda Warning and agreed to speak with Inspectors. The interview was audio recorded. Jackson admitted USPS Express parcel EL110815396US contained marijuana from California and he receives Xanax via US mail from a supplier in Houston, TX. Jackson added the Houston supplier has a pill press based on previous communication. Inspectors located approximately 14 USPS Priority Mail Express envelopes addressed to Lu Jackson all from Beechnut Post Office in Houston, TX bearing the similar handwriting and fictitious sender information from previous mailings. Inspectors also seized three white tablets believed to be Xanax left over from previous mailings.

ALIEF POST OFFICE

13. During the course of this investigation, I reviewed USPS Priority Mail Express labels for the month of January 2019 at Alief Post Office located at 11936 Bellaire Blvd., Houston, TX 77411, based on its close proximity to the Beechnut Post Office. I identified

approximately 57 labels with similar handwriting, pattern of fictitious sender addresses, and previous destination addresses.

14. On February 11, 2019, at approximately 3:05 PM, I conducted surveillance at the Alief Post Office and observed a black Honda Accord, bearing Texas license plate LPF-5429 arrive. I recalled the same vehicle and license plate is registered to NGUYEN. I observed an Asian male, believed to be NGUYEN, exit the vehicle carrying one USPS Priority Mail Express envelope and enter the post office. Moments later, the Asian male exited the post office, entered the Honda Accord and travelled a direct route to Beechnut Post Office. The Asian male, believed to be NGUYEN, visited two post offices within close proximity to each other on the same day.

15. On the same date, I returned to the Alief Post Office and learned the Asian male, believed to be NGUYEN, mailed USPS Express parcel label EK945954320US, sent from Tom Ton, 8918 Kalewood Dr., Houston, TX 77099, addressed to Don Johnson, 404 Roundrock Ln, Fort Worth, TX 76140. I reviewed Alief USPS Express mail labels and learned the same sender and addressee information were used previously. I queried 8918 Kalewood Dr., Houston, TX 77099, in a commercial database and the name Tom Ton is not associated with the address. I queried 404 Roundrock Ln, Fort Worth, TX 76140, in a law enforcement database and the name Don Johnson is not associated with the address.

16. Based on the circumstances of these incidents and review of USPS business records, it is reasonable to assume that the NGUYEN is a high volume mailer of parcels suspected to contain narcotics. Additional review of USPS business records reveal that more than 400 parcels were shipped from the Beechnut and Alief Post Office destined for more than 100 addresses in over 37 states. Based on my training and experience, I know that suspects

communicate amongst themselves using cellular telephones prior to, during, and/or after criminal activity has occurred. To date, Inspectors have obtained surveillance video from the Beechnut and Alief Post Office of an Asian male believed to be NGUYEN on multiple occasions. NGUYEN is observed utilizing a mobile device on more than one occasion. Review of tower dump records could reveal the identity of other parties involved in NGUYEN's network.

17. In my training and experience, I have learned that **AT&T Mobility (Cingular), Sprint/Nextel Communications, T-Mobile, USA and Cellco Partnership dba Verizon Wireless** are companies that provides cellular communications service to the general public. In order to provide this service, many cellular service providers maintain antenna towers ("cell towers") that serve and provide cellular service to specific geographic areas. Each cell tower receives signals from wireless devices, such as cellular phones, in its general vicinity. By communicating with a cell tower, a wireless device can transmit and receive communications, such as phone calls, text messages, and other data. When sending or receiving communications, a cellular device does not always utilize the cell tower that is closest to it.

18. Based on my training and experience, I also know that each cellular device is identified by one or more unique identifiers. For example, with respect to a cellular phone, the phone will be assigned both a unique telephone number but also one or more other identifiers such as an Electronic Serial Number ("ESN"), a Mobile Electronic Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber Identity Module ("SIM"), a Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), an International Mobile Subscriber Identifier ("IMSI"), or an International Mobile Equipment Identity ("IMEI"). The types of identifiers assigned to a given cellular device are dependent on the device and the cellular network on which it operates.

19. Based on my training and experience, I know that cellular providers, such as **AT&T Mobility (Cingular, Sprint/Nextel Communications, T-Mobile, USA and Celco Partnership dba Verizon Wireless**, routinely and in their regular course of business maintain historical cell-tower log information, including records identifying wireless communications that were transmitted through a particular cell tower. For each communication, these records may include the telephone call number and unique identifiers for the wireless device that sent or received the communication (“the locally served wireless device”); the source and destination telephone numbers associated with the communication (including the number of the telephone that called or was called by the locally served wireless device); the date, time, and duration of the communication; the cell tower(s) that handled the communication as well as the “sectors” (i.e. the faces of the towers) that received a radio signal from the locally served wireless device; and the type of communication transmitted (such as phone call or text message).

20. Based on my training and experience and the above facts, information obtained from cellular service providers such as **AT&T Mobility (Cingular, Sprint/Nextel Communications, T-Mobile, USA and Celco Partnership dba Verizon Wireless** that reveals which devices used a particular cell tower (and, where applicable, sector) to engage in particular communications can be used to show that such devices were in the general vicinity of the cell tower at the time the communication occurred. Thus, the records described in Attachment A will identify the cellular devices that were in the vicinity of the Beechnut and Alief Post Office on specific dates listed in Attachment A. This information, in turn, will assist law enforcement in determining which person(s) were present during the specific events.

AUTHORIZATION REQUEST

21. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

22. I further request that the Court direct **AT&T Mobility (Cingular), Sprint/Nextel Communications, T-Mobile, USA and Cellco Partnership dba Verizon Wireless** to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on **AT&T Mobility (Cingular), Sprint/Nextel Communications, T-Mobile, USA and Cellco Partnership dba Verizon Wireless**, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

23. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation, including by

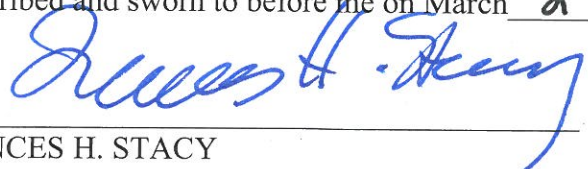
giving targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, and flee from prosecution.

Respectfully submitted,



SOPHIA CURTIS
U.S. POSTAL INSPECTOR
U.S. POSTAL INSPECTION SERVICE

Subscribed and sworn to before me on March 27, 2019, and I find probable cause



FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE